

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

DEEORMAN L. SAUNDERS,

Plaintiff,

v.

CIVIL ACTION NO. 5:10-cv-01060

COUNSELOR JOHN GRIMES,

Defendant.

**MEMORANDUM OPINION AND ORDER**

The Court has reviewed the various pleadings in this matter, including the Plaintiff's Complaint (Document 1) and *Application to Proceed Without Prepayment of Fees and Costs* (Document 5).

By Standing Order (Document 2) entered on August 30, 2010, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On April 30, 2013, the Magistrate Judge entered an *Order* (Document 10) directing that the Plaintiff, based on his release from custody, either pay a filing fee of three hundred fifty dollars (\$350) or update his application to proceed *in Forma Pauperis*. The Plaintiff did not respond to this Order. On May 29, 2013, the Magistrate Judge submitted the *Proposed Findings and Recommendation* (Document 11) wherein it is recommended that this Court dismiss the case without prejudice for failure to prosecute and remove the matter from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 17, 2013.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Therefore, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation* (Document 11) and **ORDERS** that this matter be **DISMISSED without prejudice, for failure to prosecute** and **REMOVED** from the docket of this Court.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: June 18, 2013

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA